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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 CHARLES E. DAVIS, JR.,

No. C 08-1127 MHP (pr)

9 Petitioner,

**ORDER FOR SUPPLEMENTAL
MATERIALS**

10 v.

11 BEN CURRY, warden,

12 Respondent.
13 _____/

14 In this habeas action, petitioner has challenged the sufficiency of the evidence to
15 support the Board of Parole Hearings' May 31, 2006 decision that he was not suitable for
16 parole. The record presented to this court by the parties does not include several of the items
17 normally presented by the respondent in a habeas action challenging a denial of parole, and
18 which the court needs to evaluate the legal claim. Specifically, the record does not include
19 the life prisoner evaluation report, the psychological report, the probation report and/or state
20 court appellate opinion that described the facts of the murder, or any document that lists the
21 prisoner's disciplinary history.

22 Accordingly, respondent must file a copy of the following documents used at the
23 May 31, 2006 hearing: (a) the life prisoner evaluation report, (b) the psychological report, (c)
24 the probation report and/or state court appellate opinion on the appeal from the conviction
25 that described the murder, and (d) a list of the CDC-115s and CDC-128s issued to petitioner
26 showing the date and charge for each (if that information is not already contained in the life
27 prisoner evaluation report). The court does not want more materials than were available to
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1 the BPH at the May 31, 2006 hearing, i.e., respondent should not submit any documents that
2 post-date that hearing. Respondent must file the requested materials in a packet marked as
3 "Supplemental Exhibits" no later than **October 11, 2010**. The court does not need further
4 legal argument from the parties on this fully briefed habeas petition.

5 IT IS SO ORDERED.

6 DATED: September 9, 2010


Marilyn Hall Patel
United States District Judge